



**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

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| IN THE MATTER OF: |) | |
| |) | |
| KEASHA L. FRAZIER, |) | |
| |) | |
| Complainant, |) | |
| |) | Charge No.: 2003CF1325 |
| and |) | EEOC No.: 21BA30387 |
| |) | ALS No.: 12227 |
| ARISTO FOOD & LIQUORS, INC., |) | |
| |) | |
| Respondent. |) | |

RECOMMENDED ORDER AND DECISION

On October 24, 2003, the Illinois Department of Human Rights filed a complaint on behalf of Complainant, Keasha L. Frazier. That complaint alleged that Respondent, Aristo Food & Liquors, sexually harassed and constructively discharged Complainant.

This matter now comes on to be heard on Respondent's Motion to Dismiss. Although the motion was served by mail on Complainant, she failed to file any written response or to appear at the hearing on the motion. The matter is ready for decision.

FINDINGS OF FACT

The following facts were derived from the record file in this matter:

1. The initial status hearing in this case was scheduled for December 18, 2003. Complainant did not appear at the scheduled time. Respondent appeared by counsel and was given leave to file a motion to dismiss.
2. Respondent mailed its motion to dismiss to Complainant on December 19, 2003. The motion was set for hearing on January 6, 2004.
3. Complainant did not appear on January 6 for the scheduled hearing on Respondent's motion to dismiss.
4. Complainant's address was misspelled when Respondent's motion to dismiss

was mailed to her. To allow for the possibility that Respondent's motion was not actually received by Complainant, an order was entered on January 7, 2004. The January 7 order gave Complainant until January 23, 2004 to file a written response to the motion to dismiss.

5. Complainant has not filed any written response to either the motion to dismiss or to the January 7 order from the Commission. The time for filing such a response has passed.

CONCLUSIONS OF LAW

1. Complainant's failure to appear for scheduled status hearings has unreasonably delayed the proceedings in this matter.

2. In light of Complainant's apparent abandonment of her claim, it is appropriate to dismiss this matter with prejudice.

DISCUSSION

Complainant has taken absolutely no action to prosecute this matter since it was filed. Without explanation, she missed both the initial status in this case and a hearing on a motion to dismiss her claim. In addition, she failed to respond to an order giving her one last chance to avoid dismissal. Her inaction has unreasonably delayed the proceedings in this matter.

For reasons unknown, it appears that Complainant has simply abandoned her claim. As a result, it is appropriate to dismiss her claim with prejudice. See ***Leonard and Solid Matter, Inc.***, ___ Ill. HRC Rep. ___, (1989CN3091, August 25, 1992).

RECOMMENDATION

Based upon the foregoing, it appears that Complainant has abandoned her claim. Accordingly, it is recommended that the complaint in this matter be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____
MICHAEL J. EVANS
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: January 29, 2004